

SPECIAL CRANSTON SCHOOL COMMITTEE MEETING

April 4, 2011

WESTERN HILLS MIDDLE SCHOOL

400 PHENIX AVENUE

EXECUTIVE SESSION 6:00 P.M.

6:30 P.M. PUBLIC SESSION

MINUTES

A special meeting of the Cranston School Committee was held on the evening of the above date at Western Hills Middle School with the following members present: Ms. Iannazzi, Mr. Traficante, Mrs. Culhane, Mrs. McFarland, Mrs. Ruggieri and Mr. Lombardi. Mr. Boom was absent with cause. Also present were Superintendent Nero, Mr. Balducci, Dr. Lundsten, Mr. Votto and Attorney Cascione.

Executive Session was called to order at 6:15 p.m. It was moved by Mr. Traficante and seconded by Mrs. McFarland and unanimously carried that the members adjourn to Executive Session Pursuant to RI State Laws PL 42-46-5(a)(1) Personnel; PL 42-46-5(a)(2) Collective Bargaining and Litigation (Contract Negotiations' Update – Bus Drivers/Trades people/Mechanics, Custodians);(Teacher Assistants/Technical Assistants/Bus Aides); (School Banner Litigation).

Call to Order – Public Session – Public Session was called to order at

7:15 p.m. and the Pledge of Allegiance was conducted.

Roll Call/Quorum – The roll was called and a quorum was present. It was noted that Mr. Bloom is traveling out of State for work.

Executive Session Minutes Sealed – April 4, 2011

Moved by Mr. Lombardi, seconded by Mrs. Ruggieri and unanimously carried that the April 4, 2011 Executive Session minutes remain confidential. Ms. Iannazzi reported that there were no votes taken in Executive Session.

Mr. Lombardi asked that they take Resolution 11-4-01 out of order prior to public comment for open discussion on the floor. Motion was seconded by Mrs. McFarland. The roll was called to take this resolution out of order, as follows:

Mrs. McFarland Yes Mr. Lombardi Yes

Mrs. Culhane No Mrs. Ruggieri No

Mr. Traficante Yes Mr. Traficante Yes

By a vote of 4 to 2 in favor, Resolution No. 11-4-01 is now on the floor:

Motion was made by Mr. Lombardi, seconded by Mrs. McFarland for discussion:

Mrs. Culhane stated – I'm just wondering if when the committee made their decision to appoint both Mr. Cavanaugh and The Becket Fund, if

you first of all, have any memorandum of understanding from both parties and also if the committee is going to be provided with any background information on either of the groups.

Mr. Lombardi stated – First and foremost, I don't think it would be presumptuous of us to suggest that we have appointed either the Becket Group or Mr. Cavanaugh since the motion tonight is sponsored by Mr. Traficante, Ms. Iannazzi and myself to, in fact, appoint that group. Have there been discussions with that group? Yes. Have they been reported out? Yes, they have. They've been the product of a public sub-committee that's come before us. We've had legal counsel, Mr. Cascione, present at those public sessions. We've had the public in-put regarding those public sessions and the information that was given to us regarding the mere representation of the School Committee regarding a lawsuit apparently filed today by the ACLU; my understanding is that the lawsuit was commenced today. It would have been presumptuous of us to not put the hiring of Mr. Cavanaugh and the Becket Institute before the full School Committee and secondly it would have been presumptuous to hire them before a lawsuit was even filed. We had Mr. Cascione's group on hand in the event something should have taken place. As far as a memorandum of understanding, Mr. Cascione do you want to cover that issue?

Mr. Cascione stated – Both the Becket Fund and Mr. Cavanaugh have both agreed to take on the matters pro-bono. The only thing is the

Becket Fund's proposed retainer agreement is "any out-of-pocket" expenses that are incurred by them would be paid for by the committee. In this case there are no filing fees because the plaintiff paid the filing fees when they filed their suit. If there were depositions taken, maybe the cost of the transcripts of those depositions which are usually in the hundreds of dollars, depending on the length of the deposition. They also wanted to be reimbursed for travel expenses; however, Mr. Cavanaugh has agreed that anything that has to take place in court in Rhode Island will be handled by him so there's no reason for any members of the DC firm to be transported to Rhode Island. They will be basically lead counsel as far as preparation of documents and Mr. Cavanaugh will make any appearances that are necessary in Federal Court in Rhode Island and take any depositions or attend any depositions that are necessary. That is basically the import of the agreements as far as both entities are concerned.

Ms. Iannazzi stated – Mr. Cascione, just to follow up in terms of cost to the district, can you identify the church that has offered to fundraise for the school district?

Mr. Cascione – At the beginning of this, we had been contacted by the Maramatha Baptist Church from upstate New York. They have churches throughout the country. My understanding is that Jimmy Carter belongs to that church in Georgia. The Upstate New York Church offered to fundraise throughout the country at all of their

churches. They confirmed that to me by telephone last week. They will set up a separate fund. Again, they made no promises as to how much they will raise but they've set up a separate fund and will report to us as they raise the money.

Mr. Lombardi – The only other thing I want to add, Mr. Cascione, that I failed to add at the beginning was since I chaired the sub-committee to discuss the issue regarding defense of the district in that lawsuit. I would say to you that the public sentiment regarding the caliber of the defense that we will be receiving, not only from the Becket Institute but particularly from Joseph Cavanaugh who is recognized in all of the United States as a phenomenal first amendment lawyer, in fact represents the Providence Journal here in Rhode Island and needless to say it was the sentiment of that sub-committee and we reported that out that the hiring of a caliber of Joe Cavanaugh, who I offer parenthetically, happens to be a graduate of Cranston East in 1966. Sincerely, it was needless to say, a coo to have acquired the attorney of the caliber of Joe Cavanaugh to defend this district in that lawsuit.

Mr. Cascione – Some of the other groups we contacted said they would be looking themselves for pro-bono counsel in Rhode Island so the fact that we offered this to the Becket Fund; they were thrilled about it. He's recognized as a top litigator; they're very happy that he would be presenting anything in court where he is well known. He's very happy to be working with the Becket Fund because he

recognizes their specialty in this area. The other thing about the Becket Fund is they put themselves out as being by-partisan and by that they've represented Budhist, Jews, Christians; they're just all across the board.

Mr. Lombardi – This committee also undertook the task of reviewing various names that were brought up at those sub-committee meetings. For instance, the Rutherford Institute and the ACLJ and numerous other groups that turned out that they were not going to defend us or there would be a substantial out-lay of money because the actual lawyer that we would hire in Rhode Island would have to agree to be pro-bono but if he didn't agree to do so we would have to pay that lawyer to that.

Mrs. Ruggieri stated – My concern is at this point we're being asked to appoint not only an attorney but a group to represent us without really having the background of this group, knowing what this group is about and maybe other cases that they handled, etc. I would have preferred from the sub-committee some information regarding not only this group but other groups that had originally expressed interest so that; without me having to go and research these things as we get them that as part of the sub-committees job, I think that it would have been nice to get the information ahead of time.

Mr. Lombardi – I don't mean to be confrontational in any way but that sub-committee worked very hard to look into every avenue that was

suggested to us by a whole bunch of folks that came to those meetings. We received responses such as, “it’s not a winnable case” to “we can represent you here, afar and give you suggestions” or “we have a list of lawyers that you can hire”. Mr. Cascione looked into that list of lawyers. I think it turned out to be two and in my 24 years of practicing law, I only knew one of the names of the two and he certainly was not a first amendment lawyer. We asked other groups that were suggested by Mr. Young and by Ms. Russo, and all the other groups that were listed. We contacted all of those groups and needless to say, at some point in time, we need to trust the integrity and the intelligence of our sub-committee and certainly our legal counsel as to what the best bet is and what the best bang-for-your-buck is in this case. Quite frankly, I have absolutely no trouble sleeping at night knowing that the Becket Institute and Joe Cavanaugh are going to be defending us in this action.

Mrs. Culhane – While I certainly respect the work that this most recent sub-committee did; I was a part of the initial sub-committee and we did look at those groups and we did gather information on them but the Becket Group and Mr. Cavanaugh were never part of those discussions. While I respect the fact that the committee did look at Mr. Cavanaugh and the Becket Fund, I think it’s difficult for me to be able to make an informed decision based on just the knowledge that you looked at these groups without actually having physical documentation in front of me about what they’re about; what they have defended; their success rate, and things of that sort; I don’t

know how I can do that and I also think at this time, it may be more prudent to make a motion to table this and vote on it at our next meeting, in order to have that information that we should have had respectfully in the first place.

Mr. Lombardi – I spent a lot of time on this and if we cannot sit here and honor the respect and the wishes and the judgment of members of this School Committee and our legal counsel regarding this, then I think there is a problem. Joe Cavanaugh – everyone in this room knows Joe Cavanaugh's reputation as a great first amendment lawyer. Our legal counsel, Mr. Cascione, has done the interview and the leg work for us on the Becket Institute. As far as I'm concerned, I was comfortable with the sub-committee meeting; the School Committee Sub-Committee meeting that consisted of Mr. Traficante, myself and the chair and if we can't trust what we have found and to table this, ladies and gentlemen, would be a complete miscarriage of justice. We have been sued. If you have not realized that yet...we have been sued. Go to the Federal Court and we have been sued. We now have to get lawyers. There's not time for tabling things; there's time to undertake the defense of this action and we have the best possible defense that we could get for free. Please do not look this gift horse in the mouth.

Ms. Iannazzi – Just to add very quickly. I was the person that was initially contacted by Joe Cavanaugh and a friend of mine put me in touch with Joe. I was pleasantly surprised when Mr. Cavanaugh

indicated that he would like to be a part of our legal representation team. Not only is Mr. Cavanaugh a 1966 graduate of Cranston East; however, he is also a member of the Cranston Hall of Fame and he is known not only for his integrity in the legal profession but outside of his practicing law, he is a true gentleman and his reputation has never been tarnished. I would, once again, urge my colleagues to vote in support of this resolution.

Mr. Traficante – We establish, as a committee, a variety of sub-committees on a variety of topics and we appoint representation from this School Committee on a variety of committees. We have to have some faith and trust that the decision that's being made at the sub-committee level is something that we can rely upon and move forward with. When I heard that Joe Cavanaugh was being considered, I was totally elated. I did teach when Joe Cavanaugh was at East and he was an All American Hockey player back then. He is an All American person. He is a person of the highest integrity; he has an excellence of character about him and I can assure you that we're going to get the best representation possible because of Joe Cavanaugh's character. I do have that faith and trust and I'm very grateful, Andrea, that you did bump into Father Healey and he did go forward to basically research this situation. I thank you for that.

Mrs. McFarland stated: I just want to briefly add; although Mr. Traficante actually took some of the words that I was going to say but we do make these sub-committees and we have to trust each other as

a committee when we have sub-committees to make sure that those people that have been appointed to those sub-committees are working in the best interest of the entire committee. On behalf of that, I think that the people that were put in charge to do that; I feel comfortable with their decision; I feel comfortable with the fact that I know Joe Cavanaugh as an attorney and he speaks on many issues that affect not only first amendment rights but also opportunities for low income people....so I've seen him myself on a number of occasions working on behalf of people that I represent throughout the State as well and I would agree with all of you that he's been nothing but a gentleman. I think his integrity and the work that he's done in the past proves that his record, no matter seeing it; we can all look at lawyers and attorneys and see their work very clearly. It's out there for all of us and all you have to do is look at some of the work and review some of the decisions that have been made or some of the areas where they've represented people and what an attorney stands for and Joe stands for all of that so I support this and I would like to see us move ahead because we can not continue to self-doubt or question each other as colleagues. I think we have to trust in the fact when we have sub-committees and I trust the colleagues that were there for this particular one. Thank you.

Mrs. Culhane – I don't want anyone to misconstrue my feelings on this. I do trust my colleagues implicitly and we do have sub-committees all the time that bring recommendations forward. The gravity of the situation and the gravity of this decision is huge and the only point that I'm making is in no way meant to be made to

be disrespectful to the people that were on the committee. I just wish that I could have been briefed a little bit more and not have to feel that I'm taking the opinions or information that I had no choice in making and that's all.

Mrs. Ruggieri – I also want to make that clear because when I did go and try to research some of these things, I don't have an issue with Mr. Cavanaugh at all. Everything I've read and everything I've seen backed it up but there were some other things that made me a little uncomfortable and a little wary and that's why I would have like some more information. That's how I work. It has nothing to do with trusting anybody else here. I just like a little bit more information before I have to make a decision.

Mr. Lombardi noted that the public will have a chance to speak and that this resolution was taken out of turn. Mrs. Ruggieri noted that the public might want to speak before we take the vote. She feels that that is what the point is.

Public Speaking

Mr. Young: I'm sure that Mr. Cavanaugh is an excellent attorney and a man of honor so I will not dispute that matter and as an alumni of Cranston West (East) I think that he would represent his school with the same honor and integrity he's represented in the past. The key issue is that Faith LaSalle did submit her resume. She is also an excellent trial attorney. She's represented the diocese in the past and

she would also be a great individual to consult on this case as well. Kevin McKenna has offered to contribute on this case, as well. He's an excellent constitutional attorney. I trust you, Mr. Traficante and I trust that your beliefs are going to be prevalent in this decision. I do hope that you could amend this resolution so that ...the complaint that's actually written.....the arguments that are presented by Mr. Cavanaugh can be presented to the public so that the public can also have an input as to the argument that will be put forward in the complaint. It depends on what argument is put forward by Mr. Cavanaugh as to whether or not this complaint is successful or not. I am familiar with the law and I do believe that Kevin McKenna said that this is not a complicated case; this case can easily be won by the City and that he doesn't even believe that ...he believes that this case would be dismissed on a State level. A key argument on this case is that Atheism is a religion.

Ms. Iannazzi – Mr. Young, the case was not filed in the State; it was filed in Federal District Court.

Mr. Young – I'm just saying that Kevin McKenna thinks that this case is a fairly simple case and can easily be dismissed. The City had no obligation to putting a plaque up to restrict religious freedom based on whether or not something is historic or something is a product of a child's education. These restrictions that the school put up I think are unconstitutional and if a court decides in favor that restrictions are necessary in public schools for something to be displayed by

students to express their religious freedom, I think is an issue. The complaint has to be drawn up to include specific arguments. That's what's key in this case. The argument that Atheism is a religion has been decided by the federal seven circuit court in Wisconsin in 1995 and also in 2005, in Illinois court it was decided that non-religion is religion so if non-religion is present in the public school then so should any other religion. That argument has to be made in the complaint. If the argument is not made in the complaint, the absence of religion is non-religion and that is what is present in the public schools. If non-religion is present, which is Atheism, then other religions should be present and that argument has to be made in the complaint. A stipulation should be included in the resolution going forward that certain arguments be made in the complaint. Legal fees should be denied to the ACLU under UC1983 because the City has a financial hardship. Because of this hardship attorney fees are usually denied. If that argument is not made then this is just an opportunity to establish federal law that religious freedom is further denied by the citizens and that Mr. Cavanaugh is working against the people of this City. I'm not saying he is, but in case these arguments are not made, I believe that he is. I believe that he does not include the argument that Atheism is a religion; that if it's present in the schools, which is non-religion then all the religions should be present.

Debbie Flitman – Alpine Estates

I wasn't going to bring this up but I feel like I have to now. I'm a Humanistic Jew and I'm Atheist. That's not what I came up to say. I

have a couple of questions in regards to the pro-bono aspect of this case. What happens if we loose this case? Are we responsible for court fees or attorney fees from the ACLU and I understand that the School Committee's being sued for punitive damages. That may be the wrong term but mental distress or something like that. Who's going to be responsible to pay for that? Have you decided on a budget like I understood from Mr. Cascione before he said depositions and such will cost a few hundred dollars here and there but when does that stop? How many few hundred dollars are you spending? I still kind of think that it will be better to just re-word it.

Mr. Lombardi responding to Mrs. Flitman's questions.

First of all there was a referenced used to a complaint filed by Joe Cavanaugh. That's completely false. There is no complaint. The only complaint that's been filed is a complaint filed by the ACLU. We answer the complaint. We don't file a complaint; so I want to clarify that. Secondly, Mr. Cascione, the question was asked what happens in the event that we loose and there's a prayer for punitive damages and what happens if we loose in terms of attorney's fees and how long do the cost go on in terms of those hundred dollar costs.

Mr. Cascione – She was asking whether or not they actually are suing for punitive damages; compensatory damages. Mr. Lombardi: The amount of the damages will come up in court; what ever they are. You can be damaged monetarily by an alleged allegation of an offense to a banner. There are two defendants named; the defendant

named in the case is The City of Cranston by and through Robert F. Strom in his capacity of Director of Finance and by and through the School Committee of the City of Cranston. The issue of damages is an issue that we are putting the cart before the horse. We are defending the banner. We believe that we can prevail in the defense of the banner now. The issue regarding damages will be left to the sound discretion of the court as it sees fit whether it be nominal damages, attorneys' fees, or otherwise. That's up to the court but that's a long way away because that's at the end of the litigation process.

Mr. Cascione (In answer to whose pocket the costs would come out of): As of now, the way the lawsuit has been filed, it has been filed against the City of Cranston. Right now the defendant is the City of Cranston, so if it stays the way it is right now, it will stay as the City of Cranston. The complaint can be amended to make the school committee the defendant but right now the way it stands, the City of Cranston is the defendant.

Mr. Young: The language that I sent to the school committee about nominal damages are not beingunder U.S. 1983 no attorneys' fees can be awarded if there's no real substantial damages in this case. I gave you plenty of case law that support that so because there are no substantial damages in this case, there would be no attorneys' fees awarded to the ACLU.

Mr. Lombardi: If I could just add, Mr. Young if you were the judge, I would love it; but you're not the judge and it's got to be litigated and to answer the young ladies question behind you that if the matter is litigated, it is to the sound discretion to the court as to what happens in the event; however, right now we're moving forward to defend the banner at Cranston West.

Kerry Kelleher, 80 Rutland St., Cranston

I just have a question that came up right now. If you're not the defendant in the lawsuit, why are you hiring a lawyer and why isn't this a City issue because the City owns the building; not you. The City's the one named in the lawsuit, not the school department and ultimately, as it stands right now damages, if and when they are awarded, would fully be paid by the City. Wouldn't it make sense...my concern just from what I've googled and looked on the internet and Attorney Cavanaugh seems to be a fantastic, upstanding person. I am concerned about things I've read about the Becket Group and my question is when this issue hits the national media, which it will, you will be associated with this group in the national media. And everything you do or everything they have done in the past will be associated with you. If anyone has misgivings or concerns or doesn't feel like they have to have all the information that they need to associate this school department on a national level with an organization. To me it would make sense to spend a little time vetting that especially when you're not named in the lawsuit, guys. So, maybe this is Alan's problem or the City Council's problem and

not your problem right now and you shouldn't even be dealing with it because you're not named in the lawsuit.

Kara Russo

I just wanted to say that in a future resolution I would like you to consider suing the ACLU because there are a lot of members of the community who have said that they would like to sue the ACLU for taking these actions for the purposes of obtaining legal fees.

Mrs. McFarland

I just wanted to know if Ron had an answer to Kara's question. I think it's a good question to ask; I do know we have care and control of the schools even though we're trying to say that the lawsuit names the City yet many lawsuits come through that name the City as well as the School Department and it appears that we do have care and control. Would you elaborate and answer that for her.

Attorney Cascione

I'm not going to get into interpretation as to how this could be amended to bring the School Committee and obviously everything in the complaint is addressed to the School Committee. They are not alleging that the City of Cranston did anything so maybe they're dotting their "i's" and crossing their "t's" by naming the City of Cranston as the entity that has the funds, but everything in the complaint is addressed to the school committee. You're not hiring for fees the Becket Fund. You're basicallythey're offering to do

this pro-bono so it's not like an engagement letter where you're going to be hooked into \$300 per hour for the work they do. It may very well be that the City of Cranston, once the smoke clears, may ask them to represent them but at this point, you have to have legal counsel on board because a complaint has been filed and in 20 days an answer has to be filed and you cannot linger about without having somebody in your corner in the event something has to be filed on behalf of the school committee.

Mrs. McFarland

I agree. I think we should be very careful about the fact that we do have to insure that we protect ourselves as a committee and as a school district. Has the City Council actually seen the complaint? Have we given it to them at all?

Attorney Cascione

This was just filed today and the only way I got it was I saw on their website that they had filed it and I requested of their attorney a copy of it. We just got this late this afternoon just before I came here. It's a matter of public record because it was filed but it hasn't probably been served on Mr. Strom who, if you sue the City, you have to serve the Finance Director. Officially, have they gotten it in their hands? I don't know.

Mrs. McFarland

So, it will ultimately come through the City Clerk's office and ultimately they will make some decision on whether or not they need

to have legal representation as the body being sued?

Attorney Cascione

Again, it will be served on the Finance Director and then whoever they are going to turn it over to; but they also will have to file.....

Mrs. McFarland

We do have a sub-committee, though, through the chair that was working with the City. Do you think you could go back and meet with them?

Mr. Lombardi

The Mayor and the Council President was in Executive Session and the reason for the Executive Session was litigation strategy. We had contemplated the possibility of the City of Cranston being named as a defendant in the case; the Mayor and the Council President were both apprised of the fact that they may be named in the lawsuit. They were also apprised to the fact of the Becket Foundation and they were also apprised to the fact of Joe Cavanaugh. They were fully supportive of the sub-committee's position and recommendation to hire the Becket Fund and Joe Cavanaugh to defend us. As Ron has tastefully done, the complaint is artfully written in such a way that Mr. Strom is representative of both the City of Cranston and the Cranston School Committee. I don't want anyone to go out there thinking that the name Cranston School Committee is devoid in this complaint. It's there and everything that points to it, points to the Cranston School

Committee. I suspect and I know that the Cranston School Committee is going to have an active defense role in this case. I'm reporting out that I have a commitment from the Mayor and Council President Lupino.

Mrs. McFarland

Mr. Lombardi, do we have minutes of those meetings that will be passed out to the rest of the committee in Executive Session?

Ms. Iannazzi

No, it was Executive Session and there was no clerk there to take minutes.

Attorney Cascione

And, there also was a public session following that and there are some brief minutes on the public session. And, there are written minutes for that.

Mr. Lombardi

Both of our astute media outlets were represented at that sub-committee meeting.

Kara Russo

I would like to make the recommendation that amicus briefs be allowed to be submitted and that amicus briefs be allowed to be submitted by Faith LaSalle, by the Thomas Moore Society and also by

Kevin McKenna and that I would hope that Joseph Cavanaugh would not object to those amicus briefs.

Ms. Iannazzi

Ms. Russo, Joseph Cavanaugh came from the St. Thomas Moore Society and Father Healey recommended him through them.

Mr. Lombardi

And, I'm not aware of any procedural rule under the Federal Rules of Civil Procedure that prevents anyone from filing an amicus brief in a hearing. So, they can do that anyway.

Ronald LaRue

I did send a letter to Stephen Brown and you all got a copy of it at one point, asking him to withdraw this and that what he's doing is actually perpetrating fraud; that what they're doing violates the Constitution and seeing that they proceeded forward, if I can get a copy of that. I would like to proceed against them because I gave them the same thing I gave you people. I gave them the same video that I gave you people. So now they know what they're doing is ruefully and deliberately against the Constitution. Our Constitution simply says, "Congress shall pass no law respecting religion or the free exercise thereof". So what's the court going to now pass laws to violate your free exercise? It just doesn't make any sense and I think it's time that the churches start to go after the ACLU. The Bishop also said that he's sick and tired of being pushed around. I'm representing about

100 Evangelical churches in the State of Rhode Island and I will be on phone with them later tonight and tomorrow and we would like to proceed against the ACLU. So, if I can get a copy of whatever they filed and let's start pushing back.

Are you also going to try to file something against them for damages or for harassment or anything like that in your.... And I want to thank you all for taking this position and we're behind you 100%.

Ms. Iannazzi

It's a public document. You can find it on the ACLU's website. That's how we got it.

Mr. Young

I was told that the ACLU solicited this potential party to the action. That's illegal. The ACLU is acting as a non-profit institution and also receiving federal funds and it does not have the power to solicit a client. And, I was told that they sent an e-mail to solicit this party to this action which is illegal. So, that should also be mentioned to Mr. Cavanaugh. I also submitted some documents for the record, Mr. Traficante that I would like to be conveyed toThere's documents that I sent to Mr. Traficante that goes specifically over the case law and everything in this case. It's very well documented; those are legal arguments that Mr. Cavanaugh should pursue.

Mrs. Culhane

What will be the next step moving forward now? Because

considering that the City is named first, what is our role now to confer with the City on this case?

Attorney Cascione

The attorneys will have to look at this and decide whether or not an answer has to be filed on behalf of the School Committee at this point. Assuming that they say that's not the case, then the City of Cranston may approach the same attorneys and ask them if they will represent the City pro-bono as they have offered to represent the School Committee. So, the lawyers first have to look at the complaint and make a determination as to who has to file the answer and then an answer will be filed on behalf of the entity that it would be proper to file for. They have to look at it because it states, "The City of Cranston by and through the Finance Director and by and through the School Committee", but everything in the complaint is about actions that the School Committee took or didn't take. The attorneys have to look at that and make a determination as to who has to file the answer.

Sponsored by Mr. Traficante, Ms. Iannazzi and Mr. Lombardi

NO. 11-04-01 - Be it RESOLVED that Joseph V. Cavanagh, Jr., Esq. be appointed to represent the School Committee, on a pro bono basis, as local counsel and that The Becket Fund for Religious Liberty be appointed to represent the School Committee, on a pro bono basis as outside counsel in the defense of any litigation filed by the ACLU,

regarding any alleged “prayer banner/mural” located in Cranston Public Schools.

The roll was called on the actual Resolution No. 11-4-01:

Mrs. Culhane No Mrs. Ruggieri No

Mr. Lombardi Yes Mrs. McFarland Yes

Mr. Traficante Yes Ms. Iannazzi Yes

Mr. Bloom was absent with cause.

The Resolution passed 4 to 2.

TABLED RESOLUTION

NO. 11-3-20 – RESOLVED, that the 2011-2012 Capital Budget, as recommended by the Superintendent, be approved:

Park View Middle School Bond 427/529

Replacement of exterior windows \$675,000.00

Paving Bond 04-25

Stone Hill School and Stadium School \$185,000.00

Ms. Iannazzi asked if there was a motion to remove Resolution No. 11-3-20 off the table. The motion was moved by Mr. Lombardi and seconded by Mr. Traficante and voted unanimously to take this resolution off the table. (Mr. Bloom was absent with cause)

Discussion on the Resolution:

Mr. Joel Zisseron, Director of Plant/Transportation Department for the Cranston Public Schools

Let me start off just by saying, if I may, I want to apologize for not being here at the last meeting but I did have a family crisis that I was attending to and I guess by not being here it caused a lot of confusion. I just want to explain some things so that you don't feel like we were circumventing the School Committee.

Every year, we have to present a five-year Capital Budget to the City Planning Commission. They look at it and they then either approve or disapprove it and then it moves forward to the Mayor. The Mayor in turn decides whether he wants to support it and whether he wants Capital funds available in a given budget year. If he does, it becomes a part of the City Budget but you must be approved by the City Council. Unfortunately this one moved faster through the City so that you cannot have the chance first to approve the projects that were all listed. Once again, I apologize for that. The thing that upsets me is that this bond...we have one bond left that is \$9.5 million for middle school. This bond was voted by the citizens of Cranston in 2006. That bond, at this point, has not been sold for market. We don't have the money; we have the authorization, we don't have the money. In 2008-09 budget, the City Council approved science rooms in the three middle schools because this bond is just a middle school bond. It cannot be used for anything else but middle school. The School

Committee, Planning Commission, and the Mayor brought it forward to the City Council as part of the budget and it was passed. That was 2008-2009 budget. We still do not have the money. Our middle schools need work; that's why we specifically said a middle school bond. Right now, Park View is in dire need of a number of things.

1. Science rooms like the other two middle schools

2. Windows – They have windows that at this point are either screwed shut or if you try to open them, they fall out.

This is why we've asked for the money for the windows. The other two items are at Stone Hill and Stadium in the playground area. Don't get playgrounds confused with Tot Parks. We don't own Tot Parks; that's the City. The playgrounds are in deplorable shape and need to be fixed before some youngster; some staff member or some citizen gets hurt.

That is the rationale of this year's capital budget.

Mrs. McFarland

I just want to go over with you the fact that we need to go back and re-do our capital budget. 2008-2009 is gone; whatever occurred or whatever passed during that Council, you no longer have that money.

You no longer have that approval; you no longer have the approval from the Planning Commission. You no longer have the approval from the previous Mayor. All of those people are long gone and those budgets are done. It's not like your waiting for the money. It's never

going to come. You close your books. It's no different than the School Department. Unless you keep putting it in every single year, it's gone. That means you're waiting for something from 2008-2009 and it's never going to happen. We need to re-do the Capital Budget to either ask for it next year; to go back and ask for those Science Labs that were not put out in 2008-09 because you can get all the approvals you want but the budget's been expended; the audit's been done; the books have been closed and we are now into 2011-2012 coming up. We'll be closing 2011 as of June 30, 2011, so I really think that we need to do a Capital Budget. We did ask for the Capital Budget this year and we did not get it so I would have been able to obviously make these corrections then and we might have been asking for the items that were from 2008-2009 instead of the items you're asking for for this year. Give or take, I know that they are all a number of items that we must do to improve our capital improvements that need to be done at our schools. We don't want to get behind but I really think that we need to re-do our Capital Budget and be prepared and while we have time to work on it, let's work on it for next year and do it this year so that we're all set and we have approval from our School Committee. Also, from now on it really needs to be part of the budget package every single year because every single year we close out our books and it all starts over fresh and new. We can change things; we can go out into 2016 and make different changes and make different priorities. Right now, this year, it went through without having a School Committee approval....it went through without having a Superintendent's approval to tell you

the truth because if you read the newspaper, the Mayor had already decided there were projects he was doing. If you read the newspaper, that's what it said. It was already his decision; we really didn't have....so we're kind of doing something that's already been done anyway. We're already approving something. I just want to make sure that we clear the air and next time maybe have the opportunity to spend some time going over it next year and really look at our priorities going forth.

Mr. Zisserson

I understand what you're saying and I don't want to belabor this but the Superintendent and I, Mr. Votto and Mr. Balducci met with the finance director specifically to sell the bond that we wanted that money. You may be right but I'm under the impression from the Finance Director that because we had authorization on those science rooms, all they had to do was sell the bond to get us the money. But, you might be right too and I'm going to check it tomorrow.

Mrs. McFarland

If you have to have approval from the school committee and you have to have approval from the Planning Commission and you have to have approval from City Council, none of that's occurred because during that tenure, I was there. I was on the Planning Commission; I was on the City Council sothose books are closed and audited. You need the approval all over again. I'm not saying the money's not there; I'm not saying the bonding ability's not there. What I'm saying

is you have no approval to do it from any entity. It is actually the financial entities that make those decisions; the school committees and city councils. They make those decisions. You only submit; the Mayor submits; but both those bodies are the only bodies that can approve it.

Mrs. Ruggieri

I guess my concerns are twofold. Number one is the fact that this went through without our approval and without any information being given to us. Number two is and with all due respect and I'm certainly not trying to tell you how to do your job, but the priorities of some of these things; when I looked through this and I see that we have asbestos tiles that still need to be replaced. That seems to me to be a more important priority in some cases. This just says, "Project Need for the Repaving of the School Yards – Possible safety issues". I'm wondering about how the priority levels are set when we have something as dangerous potentially as asbestos at Park View, Bain and Gladstone that that's not on there. With regards to the Science Labs and I believe it was Mrs. McFarland who said this last time, that every year that should be on there because that was voted on and approved and that bond money is sitting there waiting to be released by the City. If the City determines that they are not going to do it then that's for the City to decide. It should be on there so that we at least have it as an option. This was something that was supposed to happen years ago and it should have happened...every year we should be fighting for it to happen. This is what the voters wanted.

Mr. Traficante

You mentioned the fact that our Repair and Renovation Bonds are gone and I assume that's because of the current projects; the windows at Park View; the fire suppression at Bain and Western Hills; so that depleted our renovation bond. This means during the next election we have to go up for a new bond. Paula, I was present and Mr. Lombardi was present also when we met with Mr. Strom in Peter's office and we did bring up the project all over again. He did acknowledge the fact that it was approved. He did acknowledge the fact that we also did the Architectural Design on the three science rooms. He was going to take it to the administration, but unless the administration is willing to go to market, they're going to sit there for a long time. What upsets me is the fact that the Mayor came forth with a \$5 million Capital Budget. I mentioned at the last meeting, let's be fair. We have 28 buildings to take care of; the most in the City of Cranston, more so than the City Administration and we should be treated fairly. Unfortunately, Joel, they did not address an issue that has been approved by the City Planning Commission, by the former Mayor and by Architectural Design and I have to agree with Paula. We should come back at them again and again until it is approved because it's critical.

Mrs. Culhane

I agree with everything my colleagues just said and I said this the last time we discussed this budget; that the tax payers need to request

from the Mayor is how he can feel that it's ok to move forward with plans for a new Charter School but yet not take care of the buildings that we have currently particularly on bonds that were voter approved. That is an initiative that the voters approved. One question that I do have for Mr. Zisseron is a question about these three schools that have the asbestos removal, i.e., Gladstone, Park View and Bain. Why is it more important to do Park View windows and the paving at Stadium and Stone Hill than it is to abate asbestos?

Mr. Zisseron

Because asbestos is not dangerous unless it's friable. It's not friable. We also have staff members that are competent people that have to go through a course and be approved by the Department of Health to make repairs. And, we do have five people on staff. It's not a dangerous situation.

Mrs. McFarland

To Joe; do we know...I haven't seen the Mayor's budget yet, proposed, but they must be paying back on some bonds. How much money are they allocating for this year and their budget to be paying back on bonds? You have to take that into account too; they're not going to allocate bonds until they can start paying them back so what's the anticipating...what does he have for previous outstanding bonds? And, the \$5 million for this year, they're going to have to make payments on those. We might want to take a look at that as we

plan for the future because if they have so much interest that they have to pay in principal and interest over the loan, they may never bond that 2008-2009.

Mr. Balducci

At some point they do; I don't know the answer to that but I can get it for you.

There being no further questions, the role was called on the actual Resolution No. 11-3-20:

Mr. Traficante Yes Mrs. Culhane Yes

Mrs. Ruggieri Yes Mr. Lombardi Yes

Mrs. McFarland Yes Ms. Iannazzi Yes

Mr. Bloom was absent with cause.

New Business – There was none.

Public Hearing on Non-agenda Items - There were no speakers.

Announcement of Future Meetings – April 13 and April 21, 2011

Adjournment

There being no further business to come before the School Committee a motion to adjourn was made by Mr. Lombardi and seconded by Mrs. Culhane. All were in favor.

Respectfully submitted,

Frank Lombardi
Clerk